

KENTUCKY LEGISLATURE.

IN SENATE.

SATURDAY, Jan. 17, 1846.

Prayer by Rev. Mr. Goodell.

The Clerk read the Journal of yesterday.

Petitions were presented by Messrs. SWOPE, HELM, DYER, and TAYLOR.

Mr. HOLLOWAY had special leave to introduce a bill for the benefit of John G. Howard, former Sheriff of Daviess: referred to committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Mr. HARDIN, from the committee on the Judiciary, a bill to amend the penal laws: makes the maiming, disfiguring, killing horses, cattle, &c., a penal offence, punishable by fine to the amount of value of animals, &c.: the Senate refused to dispense with the third reading, yeas 26, nays 7, not four-fifths, and so the bill went into the orders.

Also, that the bill to them re-committed, to amend the act requiring proprietors of shaws to obtain license, should not pass: the bill was intended to require lectures for money, &c., to obtain license.

Mr. PEYTON moved an amendment, that the provisions of the act be confined to Christian county: negative.

Mr. EVANS moved an amendment applying the act specially to Singing masters.

Mr. SOUTH moved that the bill lie on the table: agreed to.

Mr. HARDIN, from the same committee, a bill regulating certain duties of Justices of the Peace, with an amendment reducing the fine for failure to keep dockets from \$50 to \$25: concurred and passed.

Also, a bill to repeal the act of March 10, 1843, to amend the execution laws: rejected.

Also, a H. R. act to reduce the price of unappropriated lands in Madison co., &c., with an amendment to reduce the price to \$4 per hundred acres, and applying the proceeds to opening and clearing out a road from the Indian creek settlement to the crossing of the Big Hill: went into the orders.

Also, a H. R. bill for the relief of Francis Machen: passed.

Also, a H. R. act for the benefit of the heirs of Elisha Franklin, deceased: passed.

Also, a H. R. act for the benefit of Urban E. Kennedy and Achsaw H. Kennedy, of Todd county: passed.

(A message from the Governor, by Mr. Secretary HARDIN, communicating sundry nominations of militia officers: rule dispensed and confirmed.)

Also, a H. R. act to change the venue in the case of Amon C. Hale, indicted for perjury, from the Clinton to the Monroe Circuit Court: passed.

Also, a H. R. act for the benefit of the infant heirs of G. W. Wall, deceased: passed.

Also, a H. R. act for the benefit of Susan Ann D. Young and her children: passed.

Also, a H. R. act for the benefit of Milton King, Clerk of the Cumberland Circuit Court, with an amendment: concurred and passed.

Also, a H. R. act for the benefit of John Dennis' wife and children: passed.

Also, a H. R. act for the benefit of the children of Wm. Taylor: passed.

Mr. A. BOYD, from the committee on Enrollments, reported a bill for the divorce of John Kincaid, jr., and Martha Susan Kincaid, and restoring her to her maiden name of Martha Susan Owsley, which was signed by the Speaker.

Mr. PATTERSON, from the committee on the Judiciary: a bill for the benefit of Wm. Waddington, of Caldwell: allows him to bring seven slaves from Mississippi.

Mr. BALLARD moved that the bill lie on the table: negative, yeas 4, nays 25.

The bill then passed, yeas 20, nays 11, as follows:

YEAS—Messrs. A. Boyd, Bradford, Bradley, Bramlette, Chenuant, Conner, Crenshaw, Dyer, Evans, Gray, Harris, Heady, Helm, Marshall, Patterson, Peyton, South, Thomas, Thurman, and Wallace—25.

NAYS—Messrs. Ballard, W. P. Boyd, Butler, Fox, Holloway, Newell, Slaughter, Swope, Taylor, Todd and Walker—11.

A message from the Governor, by Mr. Secretary HARDIN, announcing that he had approved and signed the bill divorcing John Kincaid, Jr., and Martha Susan Kincaid.

Mr. Patterson, from the same committee, a resolution rejecting the petition of Wm. Waddington in relation to certain streets and alleys in Princeton: pending the question, the Speaker announced the ORDERS OF THE DAY.

The unfinished special order, referred to the committee of the Whole—a bill to amend the act of 1845, concerning slaves, &c.: makes it a penal offence to utter sedition in any manner calculated to render slaves dissatisfied, or produce insurrection, &c. (The bill at large has been already copied into this paper.)

Mr. HELM moved that the Senate go into committee of the Whole on this bill: agreed to.

Mr. A. BOYD in the Chair.

The pending question was on the motion of Mr. HELM to amend by striking out a certain portion of the second section as heretofore reported.

Mr. HELM withdrew the motion.

The pending question was next on the motion of Mr. SLAUGHTER to strike out the second section of the bill; and the question being taken, on striking out, it was decided in the affirmative.

Mr. HELM moved the following to take the place in the bill of the section just stricken out.

It further enacted, That every person who shall excite, or attempt to excite, any slave or slaves in this Commonwealth to insurrection, rebellion against the laws, or to resistance against the exercise of the lawful authority of the owner, or possessor of such slave or slaves, by the publication or circulation of any pamphlet, newspaper, circular, letter, or any other sedition document, or in any manner whatever, shall be subject to indictment in the county where such offence was committed, and upon conviction shall be fined in any sum not less than five hundred nor more than one thousand dollars, and on failure to pay the same, shall be committed to the jail of the county until the fine and costs, including Jailer's fees, shall be paid.

Mr. BUTLER moved the following as a substitute for the section proposed by Mr. HELM:

That hereafter, when any person or persons, shall be guilty of having excited any slave or slaves within this Commonwealth, to insurrection or rebellion, or insubordination to the lawful authority of the owner or owners of such slave or slaves by any means whatever, such person or persons so offending shall be subject to an indictment of a grand jury of the county in which the offence may have been committed, and upon conviction thereof, may be sentenced to confinement in the jail and Penitentiary for a period not less than , nor more than years, in the discretion of a Jury.

An able discussion of the general principles of the bill by Messrs. GRAY and HELM on the affirmative side, and by Messrs. BUTLER and EVANS in opposition, ensued, during which the latter indicated his purpose to move a proviso, applying the provisions of the act only to those guilty of a malicious intention to deprive owners of slaves, or to excite violation of law, &c. [We design to present the whole discussion on this bill, in one connected view, after the bill shall have been disposed of.]

Mr. HARRIS moved that the committee rise, report progress and ask leave to sit again: agreed to.

Mr. A. BOYD, from the committee of the Whole, reported progress on the bill, and asked leave to sit again: agreed to.

The Senate, then, on motion, adjourned; but the vote was immediately re-considered.

Mr. BUTLER moved that he have leave to withdraw a private letter, which, by mistake, had been put in a bundle referred to the committee on the Judiciary, concerning the nomination of Judge Kincaid; and the question being taken, it was decided in the affirmative, yeas 23, nays 9, as follows:

YEAS—Messrs. W. P. Boyd, Bradford, Bramlette, Butler, Chenuant, Crenshaw, Dyer, Evans, Fox, Gray, Hardin, Helm, Holloway, Key, Newell, Patterson, Peyton, Slaughter, Swope, Taylor, Thomas, Thurman and Wallace—23.

NAYS—Messrs. A. Boyd, Bradley, Conner, Draffin, Harris, Heady, South and Walker—9.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 17, 1846.

Prayers and the Journal being read.

Petitions, &c. were presented by Messrs. HARDY and BRAWNER; which were received, &c. and referred.

A message from the Senate by Mr. Senator FOX, reported the title of a bill passed in that body, to wit: a bill divorcing John Kincaid and Martha S. Kincaid.

On motion of Mr. BARKLEY, the said bill was taken up and concurred in.

On motion of Mr. HARLAN,

Mr. JAMES N. STEPHENS, the successful contestants from Boone county, appeared before the Clerk's table, received the oath of the Constitution, and took the vacant seat of the gentleman returned to serve in this House from said county.

REPORTS FROM SELECT COMMITTEES.

Mr. D. B. JOHNSON moved to dispense with the rule to allow them an opportunity to report a bill; but on motion of Mr. HARLAN, he acquiesced in a modification making the dispensation general: which was carried.

Mr. J. then reported a bill to establish the town of Milton, in Trimble county; which was read, &c., and passed.

Mr. E. SMITH, reported a bill to amend the act of 1833, prohibiting the importation of slaves into this Commonwealth: which was referred to the committee on the Judiciary.

Mr. BOTTS reported a bill for the benefit of Elizabeth Wathen: [to authorize a chancery decree for the sale of a slave:] passed.

Mr. E. SMITH reported a bill to amend the law on the subject of divorces.

Mr. E. SMITH proposed to amend by adding a section to the effect that, hereafter in the trial of all cases for a divorce in the courts, a jury shall be empannelled to try the cause, and decide by verdict as in common law cases.

Mr. HAGGARD moved to lay the bill and amendment on the table.

Mr. STEVENSON reported a bill to amend an act entitled, an act to amend the law on the subject of pedlars: referred to the committee on Ways and Means.

Mr. E. SMITH reported a bill to amend an act for the benefit of Hiram Begley, approved Feb. 22, 1845: passed.

Mr. R. C. BOWLING reported a bill to repeal the law exempting specific property from execution, and to revise the law exempting §250.

Mr. WORTHAM proposed to amend by striking out "250" and inserting "100."

Mr. BROWN offered a substitute for the bill amending the existing law so as further to exempt one additional work-beast, and one woman saddle.

Which bill and amendments were referred to the committee on the Judiciary.

Mr. R. C. BOWLING also reported a bill to change the names of George Washington and Thomas Jefferson Gallaher to George Washington and Thomas Jefferson Drane: passed.

Mr. DUNCAN reported a bill to amend the charter of the Bourbon Agricultural Society: passed.

Mr. J. S. SMITH reported a bill to establish a precinct at Friendship School House in Madison county: which was read, &c.

Mr. BROWN proposed to amend by establishing an additional precinct in Hardin county, which was adopted: and the bill passed.

Mr. D'LLAM, from the Enrolments committee, reported a correct enrolment of the divorce bill of John Kincaid, &c., which received the signature of the SPEAKER.

Mr. ABBETT reported a bill to abolish an election precinct in Gallatin county: [the Old Mill Precinct.]

Mr. BRAWNER proposed to amend by adding a section to abolish the precinct at Baker E. Walker's in Whitley county: which was adopted.

Mr. L. COMBS proposed to amend by adding the abolition of the election precinct at Chilesburg, in Fayette county: which was carried; and then the bill was adopted with a corresponding amendment of title.

Mr. MAYES reported a bill to change at a certain point the State road from Paducah, to Moss' Ferry: which was adopted.

Mr. ROOT reported a bill for the benefit of Common Schools in this Commonwealth: which was referred to the committee on Education.

Mr. HARDY arose to make a suggestion. He observed many were anxious to get forward their local business, and the result was that several gentlemen would address the Chair at the same instant—making it frequently embarrassing to the Speaker to determine who was entitled to the floor. To avoid this difficulty, and to save time, and at the suggestion of the Clerk, he proposed, as a more convenient and expeditious manner of getting along with business, that a call of the counties be adopted for the special purpose of receiving reports from select committees.

In which suggestion the Speaker acquiesced, and the order was taken by consent.

Mr. ANTHONY reported a bill to repeal the law limiting the number of Justices of the Peace in Simpson county to ten: passed.

Mr. JAMES COMBS reported a bill for the benefit of Preston F. Samuels. Referred to the committee on the Judiciary.

Mr. THURSTON reported a bill to change the name of William Oden Smith to Markham Oden Smith.

Mr. ABBETT proposed to amend by changing the name of Ephraim Pendleton to Ephraim Pendleton Hutchison: which was adopted, and the bill passed.

Mr. J. T. SMITH reported a bill to amend the penal laws—prohibiting the manufacture and sale of spirituous liquors, by such persons, within five miles of any convocation for public worship.

Mr. DARNABY proposed to amend by prohibiting the sale of spirituous liquors, by such persons, within five miles of any convocation for public worship.

Mr. L. COMBS proposed to amend the amendment, by striking out the word "scider." Mr. C. observed that he cherished a feeling on the subject of hard cider especially, and he did hope the House would indulge him by carrying his motion for this one little amendment. [A laugh.]

The motion was then carried.

Mr. POPE proposed a motion to amend by exempting the city of Louisville from the provisions of the act: but before the question was taken,

On motion of Mr. MAYES, the bill and amendments were referred to the Judiciary committee.

Mr. G. BOWLING reported a bill to change the place of voting in an election precinct in Breathitt county—from Roger Turner's to Samuel Spicer's.

Mr. BEGLEY proposed to amend by changing the place of voting in a Clay county precinct, from the mouth of the Rock house to the house of Wm. Begley, Jr., which was adopted, and then the bill passed.

Mr. CLARKE reported a bill changing the place of voting in the Donaldson precinct of Caldwell county: passed.

Mr. ABBETT reported a bill for the benefit of William Dean: referred to the committee on the Judiciary.

Mr. HAGGARD reported a bill for the benefit of Wool-growers of this Commonwealth: to which sundry amendments were proposed, and then the subject was referred to the committee on Agriculture and Manufactures.

Mr. MAYES reported a bill to place the State road leading from Moss' ferry, on the Tennessee river, to Wadesborough, in Marshall county, under the control of the said County Court: passed.

Mr. M. also reported a bill limiting the elections in Calloway and Marshall counties to one day: referred to the committee on the Judiciary.

On motion of Mr. COX, leave of absence till Wednesday, was obtained for the member from Kenton.

Mr. L. COMBS reported a bill to exempt the wages of journeymen mechanics and laboring men from garnishee-ment for debt: which was referred to the committee on the Judiciary.

Mr. COX reported a bill to incorporate the Blue Lick Hotel and Water Company: referred to the Judiciary committee.

Mr. C. also reported a bill to change the name of a place in Madison county, from Arcadia to Rogersville: passed.

Mr. SEATON reported a bill for the benefit of John Young, Surveyor of Greenup county: passed.

Mr. DUDLEY reported a bill to establish a public seminary of learning in the town of Hickman, and for the erection of a levee on the Mississippi river at the town of Fulton.

Mr. COX reported a bill to incorporate the Blue Lick Hotel and Water Company: referred to the Judiciary committee.

Mr. COX reported a bill to change the name of a place in Madison county, from Arcadia to Rogersville: passed.

Mr. COX reported a bill for the benefit of the children of Achilles Moorman: authorizing the sale of land and slaves: passed.

Mr. MAYHILL reported the following bills, which were severally read, &c., and referred to the committee on the Judiciary, to-wit:

A bill for the benefit of landlord and tenant.

A bill to prevent impositions from empirical and quack physicians.

A bill for the benefit of Jurors in trying the right of property.

Mr. M. also reported a bill for the benefit of Nathan C. Marsh: which was referred to the committee on the Library.

Mr. MAXEY reported a bill to change the place of voting in an election precinct in Hart county: passed.

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